## REMARKS

In the Office Action,[1] the Examiner:

(a) rejected claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by Ma (U.S. Patent Publication No. 2005/0117095) ("Ma");

(b) rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Ma in view of Okamoto et al. (U.S. Patent Publication No. 2005/0248698) ("Okamoto"); and

(c) rejected claims 8-14 under 35 U.S.C. § 103(a) as being unpatentable over Ma.

Applicants respectfully traverse the rejections for at least the following reasons.

**Rejection of Claims 1-5 under 35 U.S.C. § 102(e):**

Applicants traverse the rejection of claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by Ma. Ma does not anticipate claims 1-5.

In order to properly establish anticipation under 35 U.S.C. § 102, the Federal Circuit has held that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). *See also* M.P.E.P. § 2131.

[1] The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

Ma fails to teach or suggest each and every element recited in these claims, despite the Examiner's allegations. For example, Ma fails to teach or suggest "[a] liquid crystal display apparatus comprising: ... a reflective polarizer ... for transmitting linearly polarized light vibrating in a plane parallel to said first transmission axis and for reflecting linearly polarized light vibrating in a plane parallel to said first reflection axis ...; and a liquid crystal layer ... having a first mode which causes the direction of polarization of incident light to change by utilizing birefringence and a second mode which does not utilize birefringence," as recited in claim 1 (emphasis added).

The Examiner alleged that "Ma discloses a liquid crystal display apparatus comprising: ... a reflective polarizer ... for transmitting linearly polarized light vibrating in a plane parallel to said first transmission axis and for reflecting linearly polarized light vibrating in a plane parallel to said first reflection axis (Fig. 2; paragraph [0037]-[0038]; ...; and a liquid crystal layer ... having a first mode which causes the direction of polarization of incident light to change by utilizing birefringence ('111' Fig. 2) and a second mode which does not utilize birefringence ('112' Fig. 2)" (Office Action, p. 2-3). However, this is not correct.

Ma discloses "[a] reflective cholesteric display modulated by a front linear polarizer 260, a back polarizer 261 and a specula mirror reflector 270" (para. [0037]). Ma also discloses that "the forward neutral non-polarized light 285 then passes back through linear polarizer 261 and becomes linear polarization 286 which then is bounced back by mirror reflector 270 and again through the linear polarizer 261 and maintains its linear polarization 286" (para. [0038]). However, Ma does not teach or suggest "a reflective polarizer ... for transmitting linearly polarized light vibrating in a plane parallel

to said first transmission axis and for reflecting linearly polarized light vibrating in a plane parallel to said first reflection axis," as recited in claim 1 (emphasis added).

Ma further discloses that "[a]s the remaining polarizing light 281 reaches the display cell 110 in the planar structure 111, there will be no visible circularly polarization generated" (para. [0037], also see Fig. 2), and "[a]s the remaining polarizing light 281 reaches the display cell 110 in the focal conic structure 112 it will be depolarized by the scattering effect due to abruptly changing of the refractive indices among edges of domains" (para. [0038], also see Fig. 2). However, Ma does not teach or suggest "a liquid crystal layer ... having a first mode which causes the direction of polarization of incident light to change by utilizing birefringence and a second mode which does not utilize birefringence," as recited in claim 1 (emphasis added).

For at least the reasons discussed above, Ma does not teach or suggest each and every element recited in independent claim 1. Therefore, Ma does not anticipate independent claim 1. Independent claim 1 is allowable, and dependent claims 2-5 are also allowable at least due to their dependence on base claim 1. Thus, the rejection of claims 1-5 under 35 U.S.C § 102(e) should be withdrawn.

**Rejection of Claims 6 and 7 under 35 U.S.C. § 103(a):**

Applicants traverse the rejection of claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Ma in view of Okamoto. No *prima facie* case of obviousness has been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory

statements. *See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007).* "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." *M.P.E.P. § 2145.* Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. *M.P.E.P. § 2143.01(III), internal citation omitted.* Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." *M.P.E.P. § 2141.02(I),* internal citations omitted (emphasis in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q 459 (1966).... The factual inquiries ... [include determining the scope and content of the prior art and] ... [a]scertaining the differences between the claimed invention and the prior art." *M.P.E.P. § 2141(II).* "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." *M.P.E.P. § 2141(III).*

Here, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

Claims 6 and 7 depend upon base claim 1. As explained above, Ma does not teach or suggest "[a] liquid crystal display apparatus comprising: ... a reflective polarizer ... for transmitting linearly polarized light vibrating in a plane parallel to said first transmission axis and for reflecting linearly polarized light vibrating in a plane parallel to said first reflection axis ...; and a liquid crystal layer ... having a first mode which causes the direction of polarization of incident light to change by utilizing birefringence and a second mode which does not utilize birefringence," as recited in claim 1 and required by dependent claims 6 and 7 (emphasis added).

Okamoto fails to cure the deficiencies of Ma. The Examiner alleged that "Okamoto discloses the use of a LCD device having liquid crystal display layer oriented in a vertical alignment (Fig. 1), and the liquid crystal display layer being actuated to 45 degrees angle" (Office Action, p. 4). However, whether this allegation is correct or not, neither Ma, nor Okamoto, nor any combination thereof, teaches "[a] liquid crystal display apparatus comprising: ... a reflective polarizer ... for transmitting linearly polarized light vibrating in a plane parallel to said first transmission axis and for reflecting linearly polarized light vibrating in a plane parallel to said first reflection axis ...; and a liquid crystal layer ... having a first mode which causes the direction of polarization of incident light to change by utilizing birefringence and a second mode which does not utilize birefringence," as recited in claim 1 and required by dependent claims 6 and 7 (emphasis added).

In view of the shortcomings of the prior art and the errors in analysis of the prior art set forth in the Office Action, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the

claimed invention and the prior art. Moreover, there is no motivation for one of ordinary skill in the art to modify the references to achieve the claimed combinations. Thus, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art. Accordingly, no *prima facie* case of obviousness has been established. The 35 U.S.C. § 103(a) rejection of claims 6 and 7 is therefore improper and should be withdrawn.

**Rejection of Claims 8-14 under 35 U.S.C. § 103(a):**

Applicants traverse the rejection of claims 8-14 under 35 U.S.C. § 103(a) as being unpatentable over Ma. No *prima facie* case of obviousness has been established.

Claims 8-14 depend upon base claim 1. As explained above, Ma does not teach or suggest "[a] liquid crystal display apparatus comprising: ... a reflective polarizer ... for transmitting linearly polarized light vibrating in a plane parallel to said first transmission axis and for reflecting linearly polarized light vibrating in a plane parallel to said first reflection axis ...; and a liquid crystal layer ... having a first mode which causes the direction of polarization of incident light to change by utilizing birefringence and a second mode which does not utilize birefringence," as recited in claim 1 and required by dependent claims 8-14 (emphasis added).

The Examiner alleged that "the use of auxiliary light source in LCD display devices is well known and common in the art" (Office Action, p. 5). However, whether this allegation is correct or not, Ma does not teach or suggest "[a] liquid crystal display apparatus comprising: ... a reflective polarizer ... for transmitting linearly polarized light vibrating in a plane parallel to said first transmission axis and for reflecting linearly

polarized light vibrating in a plane parallel to said first reflection axis ...; and a liquid crystal layer ... having a first mode which causes the direction of polarization of incident light to change by utilizing birefringence and a second mode which does not utilize birefringence," as recited in claim 1 and required by dependent claims 8-14 (emphasis added).

In view of the shortcomings of the prior art and the errors in analysis of the prior art set forth in the Office Action, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Moreover, there is no motivation for one of ordinary skill in the art to modify the references to achieve the claimed combinations. Thus, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art. Accordingly, no *prima facie* case of obviousness has been established. The 35 U.S.C. § 103(a) rejection of claims 8-14 is therefore improper and should be withdrawn.

**Conclusion:**

In view of the foregoing, Applicants request reconsideration of the application and withdrawal of the rejection. Pending claims 1-14 are in condition for allowance, and Applicants request a favorable action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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